

REMARKS

[0002] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-7, 10-23, and 26 are currently pending
- No claims are canceled herein
- No claims are withdrawn herein
- No claims are amended herein
- No new claims are added herein

Cited Documents

[0003] The following documents have been applied to reject one or more claims of the Application:

- **Heuvelman:** Heuvelman, U.S. Patent Application Publication No. 2003/0126600
- **Commons:** Commons, et al., U.S. Patent No. 7,305,694
- **Hanks:** Hanks, U.S. Patent No. 7,451,281
- **Freeman:** Freeman, et al., U.S. Patent Application Publication No. 2002/0129374
- **Lamkin:** Lamkin, et al., U.S. Patent Application Publication No. 2002/0088011
- **Fenwick:** Fenwick, et al., U.S. Patent Application Publication No. 2003/0204852
- **Dureau:** Dureau, U.S. Patent Application Publication No. 2003/0135860
- **Takahashi:** Takahashi, et al., U.S. Patent No. 5,563,661
- **Ludtke:** Ludtke, U.S. Patent No. 6,154,206
- **Eytchison:** Eytchison, U.S. Patent No. 6,363,434
- **Harrison:** Harrison, et al., U.S. Patent No. 6,732,373

- **Gewickey:** Gewickey et al., U.S. Patent Application Publication No. 2003/0028892

Independent Claim 1 is Non-Obvious Over Heauvelman, Commons, Hanks, and Freeman

[0004] Claims 1 and 2 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Heauvelman, Commons, Hanks, and Freeman. Applicant respectfully traverses the rejection.

Independent Claim 1

[0005] Applicant submits that the Office has not made a prima facie showing that independent claim 1 is obvious in view of the combination of Heauvelman, Commons, Hanks, and Freeman. Applicant submits that the combination of Heauvelman, Commons, Hanks, and Freeman does not teach or suggest the following features of this claim (with emphasis added):

- establishing a two-way digital connection with a single playback device, ***the single playback device having a plurality of media types and titles stored therein***, wherein at least one of the plurality of media types is a DVD containing a commercially available title;

[0006] The Office states the following concerning this claimed feature (Action p. 5-6):

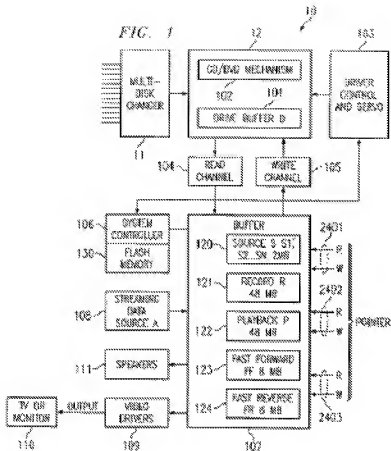
Heauvelman and Commons do not explicitly teach the single playback device having a plurality of media types stored therein;

In an analogous art Hanks teaches a single playback device having a plurality of media types stored therein (Col 3: lines 19-26, 55-56 teaches plurality of media types stored in the single playback device);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Heauvelman and Commons to include a single playback device having a plurality of media types stored therein, as taught by Hanks, for the advantage of providing an all in one device that provides convenience, minimizes the amount connections required and the amount of devices needed, reducing visual clutter.

[0007] In traversal, Applicant submits that Hanks does not cure the noted deficiency from Heauvelman and Commons.

[0008] Hanks describes a system (10) comprised of several devices, one of which is a multi-disk library changer (11) and another of which is drive (12). Applicant notes that Hanks teaches that the playback device, drive (12), and the multi-disk library changer (11) are two distinct devices "in physical communication" within system (10), as can be seen from Fig. 1 (reproduced below):



[0009] In the cited section, Hanks states that drive (12) contains the CD/DVD mechanism (102). It is this device, drive (12), which is described as being the *playback* device and though they are in physical communication, it is multi-disc changer (11) which is described broadly as having "several DVDs and CDs maintained and provided to/from the CD/DVD mechanism" of drive (12) (Col 3, ll. 24-26). Drive (12) is not described as "having a plurality of media types and titles stored therein" as claimed.

[0010] Furthermore there is no explicit disclosure within Hanks that would suggest that devices (11) and (12) are, without the hindsight of the claims, a single device as is claimed. Therefore, Hanks is insufficient to cure the deficiency from Heauvelman, and Commons; namely the claimed "the single playback device having a plurality of media types and titles stored therein".

[0011] Applicant notes that Freeman is not cited as curing and does not cure this deficiency, as well. For these reasons, the Examiner has not shown independent claim 1 to have been obviated by the cited references.

[0012] The Action also states that it would have been obvious to combine the teachings of Hanks and "the system of Heauvelman and Commons" for the advantage of "providing an all in one device that provides convenience, minimizes the amount [of] connections required and the amount of devices needed, reducing visual clutter." (Action, p. 6) Applicant submits that one of ordinary skill in the art would not have used this reasoning at the time the invention was made.

[0013] This is primarily because the assertion that Hanks provides an "all in one device that provides convenience", etc. is not supported by the disclosure within Hanks. Hanks, as noted above, discloses that *two* devices are used and a physical communication means is required between the two (see specifically Col. 3, ll. 22-24, Fig. 1).

[0014] Consequently, the combination of Heauvelman, Commons, Hanks, and Freeman does not teach or suggest all of the elements and features of this claim, and further have been improperly combined to reject the claims. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 2-7 and 10

[0015] Claims 2-7 and 10 ultimately depend from independent claim 1. As discussed above, claim 1 is allowable over the cited documents. Therefore, claims 2-7 and 10 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

Independent Claim 11 is Non-Obvious Over Heauvelman, Commons, and Ludtke

[0016] Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Heauvelman, Commons, and Ludtke. Applicant respectfully traverses the rejection.

Independent Claim 11

[0017] Applicant submits that the Office has not made a prima facie showing that independent claim 11 is obvious in view of the combination of Heauvelman, Commons, and Ludtke. Applicant submits that the combination of Heauvelman, Commons, and Ludtke does not teach or suggest the following features of this claim, as amended (with emphasis added):

- presenting on the display device an option to use **a single playback** device for selection by the user, the single playback device being connected to the home network via a media server **and having a plurality of media stored therein, the media comprising a plurality of disparate media types, storage formats, and titles**, wherein amongst the plurality of media types, formats, and titles is a plurality of titles stored on DVD's;

[0018] The Office states the following concerning this claimed feature (Action p. 15):

Heauvelman does not explicitly teach the media comprising a plurality of disparate media types, storage formats, wherein amongst the plurality of media types, formats is a plurality of titles stored on DVD's;

[0019] Applicant presumes that the Office intended to additionally cite Hanks as curing this deficiency, since the Office has stated that Commons does not cure this deficiency and has not cited from Ludtke as doing so.

[0020] However, as shown above with regard to claim 1, Hanks does not cure this deficiency and would be improper to combine with the remaining references even if it did.

[0021] Consequently, the combination of Heauvelman, Commons, and Ludtke does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 12-16

[0022] Claims 12-16 ultimately depend from independent claim 11. As discussed above, claim 11 is allowable over the cited documents. Therefore, claims 12-16 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

Independent Claim 17 Is Non-Obvious Over Heauvelman, Commons, Hanks, Fenwick Jr. and Gewickey

[0023] Claims 17-19 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Heauvelman, Commons, Hanks, Fenwick Jr., and Gewickey. Applicant respectfully traverses the rejection.

Independent Claim 17

[0024] Applicant submits that the Office has not made a prima facie showing that independent claim 17 is obvious in view of the combination of Heauvelman, Commons, Hanks, Fenwick Jr., and Gewickey. Applicant submits that the combination of Heauvelman, Commons, Hanks, Fenwick Jr., and Gewickey does not teach or suggest the following features of this claim (with emphasis added):

- **a single playback device having a plurality of media types and titles stored therein**, the plurality of media types comprising a plurality of DVD's having titles stored thereon;
- present the single playback device **for discovery on the home network**;

[0025] The Office states the following concerning these claimed features (Action p. 23, and 26-27):

Heauvelman and Commons do not explicitly teach a single playback device having a plurality of media types stored therein,

In an analogous art Hanks teaches a single playback device having a plurality of media types stored therein (Col 3: lines 19-26, 55-56 teaches plurality of media types stored in the single playback device);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Heauvelman and Commons to include a single playback device having a plurality of media types stored therein, as taught by Hanks, for the advantage of providing an all in one device that provides convenience, minimizes the amount connections required and the amount of devices needed, reducing visual clutter.

Heauvelman, Commons, and Hank do not explicitly teach present the single playback device for discovery on the home network;

In an analogous art FENWICK teaches, present the single playback device for discovery on the home network (Paragraph 0016);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Heauvelman, Commons, and Hank to include present the single playback device for discovery on the home network, as taught by FENWICK, for the advantage of efficiently managing and recognizing devices on the network, allowing for easy organization of available devices on the network.

[0026] Here again, Applicant notes that Hanks is both insufficient to cure this deficiency from Heauvelman and Commons and that it is improper to combine this document with Heauvelman and Commons, for the reasons elucidated above with regard to claim 1.

[0027] Applicant further notes that Fenwick Jr. and Gewickey are not cited as curing and do not cure this deficiency from Heauvelman and Commons.

[0028] Furthermore, Applicant notes that it is improper to combine Heauvelman, Commons, and Hanks with Fenwick Jr. to obviate “present the single playback device for discovery on the home network” as there is no expectation of success.

[0029] Heauvelman, Commons, and Hanks are each references directed toward in home and personal uses. Contrastingly, Fenwick Jr. teaches a system and method for “distributing video program material among users of a lodging or similar facility” such as a hotel or motel that “is able to service a plurality of users,” (Fenwick, paras. 0004 & 0012).

[0030] Applicant submits that one would have no reasonable expectation of success by combining the commercial system of Fenwick Jr. with the personal and single user systems of Commons and Freeman.

[0031] Consequently, the combination of Heauvelman, Commons, Hanks, Fenwick Jr., and Gewickey does not teach or suggest all of the elements and features of this claim, and further have been improperly combined to reject the claims. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 18-23 and 26

[0032] Claims 18-23 and 26 ultimately depend from independent claim 17. As discussed above, claim 17 is allowable over the cited documents. Therefore, claims 18-23 and 26 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

[0033] Dependent claim 20 is an exemplary claim, which is allowable for the additional features it recites.

[0034] Claim 20 recites “wherein the title directory compiled by the media server includes a link to an Internet site containing additional information for a title stored on a DVD in the single playback device”.

[0035] The Office cites to Lamkin as teaching this feature, as can be seen from the following Action excerpt:

Consider **claim 20**, Heauvelman, Commons, Hank, FENWICK, and Gewickey teach a title directory compiled by the media server, containing information for a title stored on a DVD in the single playback device (Commons - Col 4: line 62 – Col 5: line 9 teaches organizing the gather information about the media in a media database 19-Fig.1; Heauvelman - Paragraph 0007, 0009, 0065), but do not explicitly teach that it includes a link to an Internet site containing additional information for a title stored on a DVD.

In an analogous art Lamkin teaches, a link to an Internet site containing additional information for a title stored on a DVD (Paragraph 0066 teaches external information web links for other information accessible through the internet).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Heauvelman, Commons, Hank, FENWICK, and Gewickey to include a link to an Internet site containing additional information for a title stored on a DVD, as taught by Lamkin, for the advantage of providing the user with the most up to date information about a title, and allowing external sources to continuously update and provide title information.

[0036] In traversal, Applicant submits that, at best, Lamkin combines with Heauvelman, Commons, Hanks, and Fenwick Jr. to suggest that a DVD within the system is encoded with HTML that would link to the internet.

[0037] The cited portion of Lamkin is reproduced below for convenient reference:

[0066] A movie is authored with the entire screenplay provided on the DVD disc in HTML format. Clicking on any scene visually represented in the HTML immediately links the user to that scene within the DVD-Video. Besides being a finer granularity than the normal chapter navigation provided on DVD-Video, the HTML-based script could contain other media (pictures, audio) and/or live web links for other information (stored either on the DVD disk, or accessible through the Internet). Further, the text of the screenplay in HTML could automatically "scroll" with the DVD-Video to give the appearance of being synchronized with the DVD-Video. Although many of these types of features (minus live web links and synchronized scrolling) could be authored in DVD-Video, HTML authoring is much more efficient, immediate and widely known.

[0038] As can be seen, all that Lamkin discloses in this section is including a screenplay with a movie on a DVD disc, and within that screenplay, including HTML with a link to the internet. There is nothing to suggest that such an HTML link would be further included in a title directory. What is explicitly claimed is "[a] **title directory**... [that] includes a link to an Internet site containing additional information for a title stored on a DVD in the single playback device".

[0039] Applicant further notes the distinction that the instant applications claims the "title directory" as being compiled from a title server (in the parent claim 17), not from information contained on the DVD itself.

[0040] Applicant submits the forgoing without conceding the propriety of the combination of references.

[0041] For these reasons, Applicant submits that dependent claim 20 is allowable over the cited references and respectfully requests the Examiner withdraw the rejection of this claim.

Conclusion

[0042] In light of the forgoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited. Should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, they are invited to telephone or e-mail the undersigned.

[0043] In addition, it is believed that all of the pending claims have been fully addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

[0044] Finally, nothing in this communication should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this communication, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Respectfully Submitted,

Lee & Hayes, PLLC
Representative for Applicant

/Randall T. Palmer 61440/
Randall T. Palmer
(randy@leehayes.com; 509-944-4761)
Registration No. 61440

Dated: 08/19/09

Rob Peck
(rbp@leehayes.com; 206-876-6019)
Registration No. 56826